

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

ASHLEY MARIE MOYA,
Plaintiff

VS.

ADVO SADIC and
HUSKY TRANSPORTATION, INC.,
Defendants

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CIVIL ACTION NO. _____

DEFENDANTS' NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW Defendants, **ADVO SADIC (“Sadic”) and HUSKY TRANSPORTATION, INC. (“Husky”)**, and file this Notice of Removal and would show the Court as follows:

I.

On February 15, 2017, Plaintiff filed suit against Sadic and Husky in the County Court at Law No. 1, Hidalgo County, Texas for alleged negligence and gross negligence arising from a motor vehicle accident on or about December 19, 2016. Husky was served with Plaintiff’s Original Petition on February 24, 2017. The return of service for Sadic is not on file with the Court but it is believed that Sadic was served with Plaintiff’s Original Petition by certified mail sometime during the first week of March. At the time suit was filed and at the time of removal:

A. DIVERSITY

- 1) Plaintiff is a citizen of the State of Texas;
- 2) Sadic is a citizen of the state of Michigan;
- 3) Husky is a foreign corporation organized and existing under the laws of Michigan with their home-office located at 21895 Preserve Ct., Township of Macomb, Macomb County, Michigan 48042;
- 4) Diversity exists between Plaintiff and Defendants.

B. THE AMOUNT IN CONTROVERSY MEETS THE JURISDICTIONAL REQUISITE

Plaintiff in ¶II of her Original Petition alleges damages in an amount over \$200,000.00 but not more than \$750,000.00. The matter or amount in controversy between Plaintiff and Defendants exceeds the sum or value of \$75,000.00 exclusive of interest and costs.

II.

Federal removal jurisdiction is appropriate because this action is one over which this Court has diversity jurisdiction under 28 U.S.C. §1332, as amended; is one which may be removed to this Court under 28 U.S.C. §1441; and is properly and timely removable pursuant to 28 U.S.C. §1446(b).

III.

True copies of all documents required by Local Rule 81 are being filed with this Notice of Removal.

IV.

Timely notice of this removal is being provided to Plaintiff and to the State District Court where this suit originated.

V.

WHEREFORE, PREMISES CONSIDERED, Defendants pray that the action pending against them in the County Court at Law No. 1, Hidalgo County, Texas, be removed therefrom to this Court and for any further relief to which Defendants are entitled.

Respectfully submitted,

By: \s\ Barry Ray

BARRY RAY

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**Attorneys for *Defendants* ADVO SADIC
AND HUSKY TRANSPORTATION, INC.**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing document was forwarded on this 24th day of March, 2017, to the following counsel of record:

John G. Escamilla
Escamilla Law Firm, PLLC
1021 Martin Avenue
McAllen, Texas 78504
and

Via E-filing

Louis “Doc” Patino
PATINO & ASSOCIATES, P.L.L.C.
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McAllen, Texas 78501
Counsel for Plaintiff

Via E-filing

\s\ Barry Ray

BARRY RAY